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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,256	03/27/2001	Koichi Nihira	1614.1156	7685
21171	7590	02/16/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,256

Applicant(s)

NIHIRA, KOICHI

Examiner

Scott L. Jarrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite and failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding Claim 6 the disclosure does not clearly define the phrase "judging." Judging as claimed encompasses a wide variety of meanings including but not limited to determining, deciding, weighing, ruling and a plurality of other meanings thereby making the term "judging" as claimed vague and indefinite. The examiner interpreted judging to mean any of the meanings discussed above.

Further regarding Claim 6 the disclosure does not clearly define the phrase "totally." Totally as claimed encompasses a wide variety of meanings thereby making the term "totally" as claimed vague and indefinite. The examiner interpreted totally to mean considering/reviewing information (data) in its entirety.

Regarding Claim 12 the disclosure does not clearly define the phrase "system." A system as claimed could contain a plurality of elements and without further definition of the system elements the phrase as claimed is vague and indefinite.

Claim Rejections - 35 USC § 101

4. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Regarding Claims 1-9, Claims 1-9 only recite an abstract idea. The recited method for collectively managing management information about a plurality of customer service devices, and managing operations of the customer service devices does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed

Art Unit: 3623

invention, as a whole, is not within the technological art as explained above claims 1-9 are deemed to be directed to non-statutory subject matter.

Regarding Claim 10, Claim 10 only recites an abstract idea. The recited management device for collectively managing management information about a plurality of customer service devices, and managing operations of the customer service devices does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 10 is deemed to be directed to non-statutory subject matter.

Regarding Claim 11, Claim 11 does not utilize the proper computer program product format and effectively recite software per se (descriptive material). Claim 11 is therefore deemed to be directed to non-statutory subject matter where there is no indication that the proposed software is recorded on computer-readable medium and/or capable of execution by a computer. Examiner suggests that the applicant incorporate into Claim 11 language that the proposed software is capable of execution by a computer to overcome this rejection.

Regarding Claim 12 only recite an abstract idea. The recited management system does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The

Art Unit: 3623

claimed invention, as a whole, is not within the technological art as explained above

Claim 12 is deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation of the term "system." Therefore, the terms discussed are taken to merely recite a field of use and/or nominal recitation of technology.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation that the method is a "system." Looking at the claims as a whole, nothing in the body of the claims recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the terms discussed are taken to merely recite a field of use and/or nominal recitation of technology.

Correction required. See MPEP § 2106 [R-2].

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gill et al., U.S. Patent No 5,984,178.

Regarding Claims 1 and 10-12 Gill et al. teach a method and system for collectively managing management information about a plurality of customer service devices (ATM, automated teller machines, banking machines), and managing the operations of the plurality of customer service devices (Abstract; Column 3, Lines 48-68; Column 4, Lines 1-55; Column 5, Lines 1-54; Column 8, Lines 33-42; Column 25, Lines 5-68; Figures 14, 19, 31, 32 and 56 and as shown below in Figures 1, 4, 7, 8 and 29).

More specifically Gill et al. teach that the management system comprises the steps of:

- registering (entering, inputting, setting up, installing, making available) a plurality of information;
- creating (entering, inputting, etc.) a plurality of actions (events) to operate each of the customer service devices, based on the plurality of information entered;

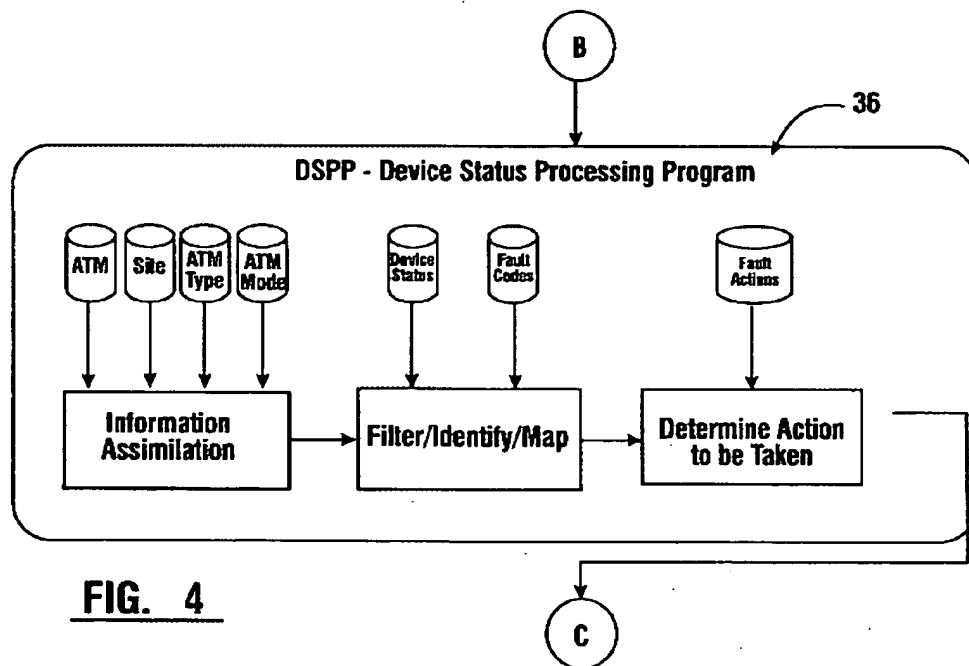
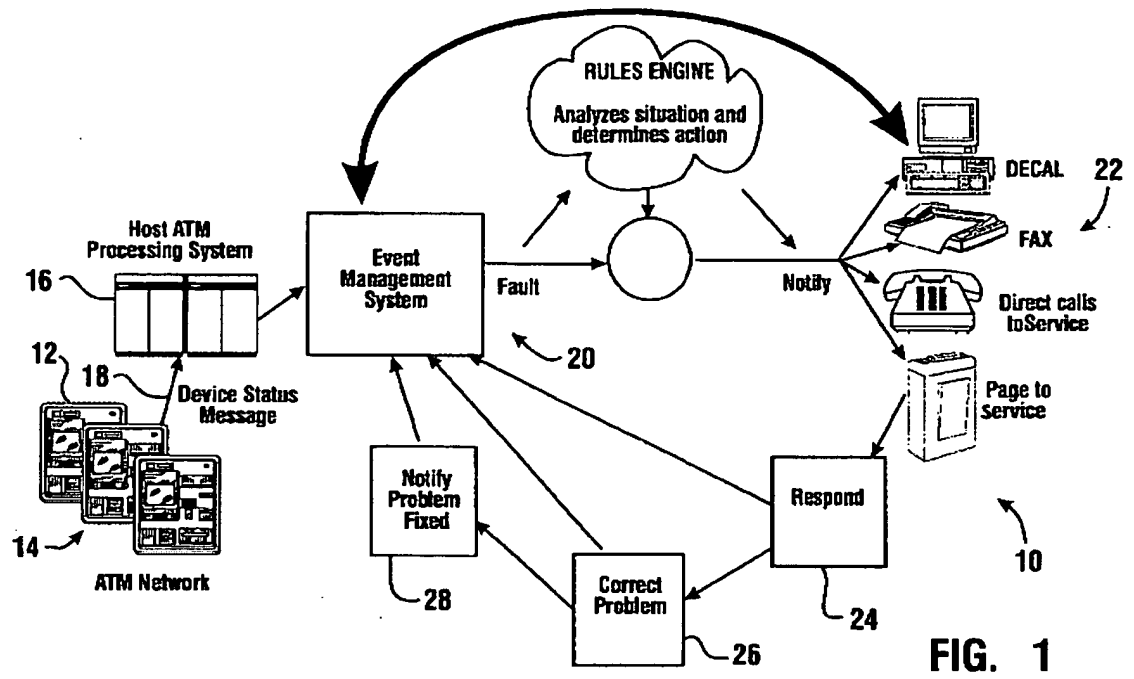
Art Unit: 3623

- registering (entering, inputting, setting up) a plurality of actions (procedures, action list, schedule, fault actions);

- selecting (determining, resolving) an action in accordance with supplied condition (status message, condition message, status, solicited message, unsolicited message) of each of the customer service devices; and

- taking (responding) the action (corrective action, action list, fault action) with respect to each customer service device.

Gill et al. further teach that the management system comprises a plurality of systems (sub-systems, modules, applications, devices, etc.) including but not limited to (Figure 1 as shown below; Figure 2): Automated Teller Machines, ATM Network, Host ATM processing, Event Management System, Rules Engine, Scheduler, Multi Media Reporter (MMR), Message Gateway Router (MGR) and Device Status Processing Program (DSPP) that enable the administration, maintenance and management of customer service devices.



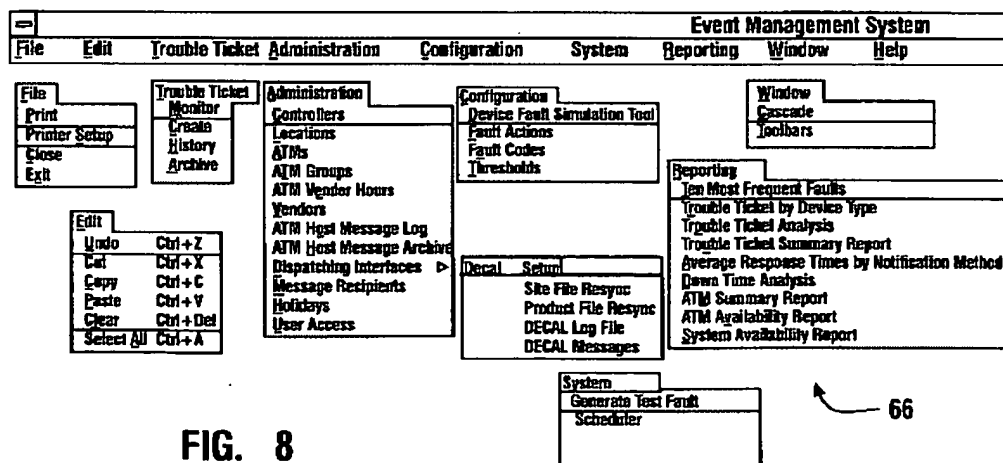
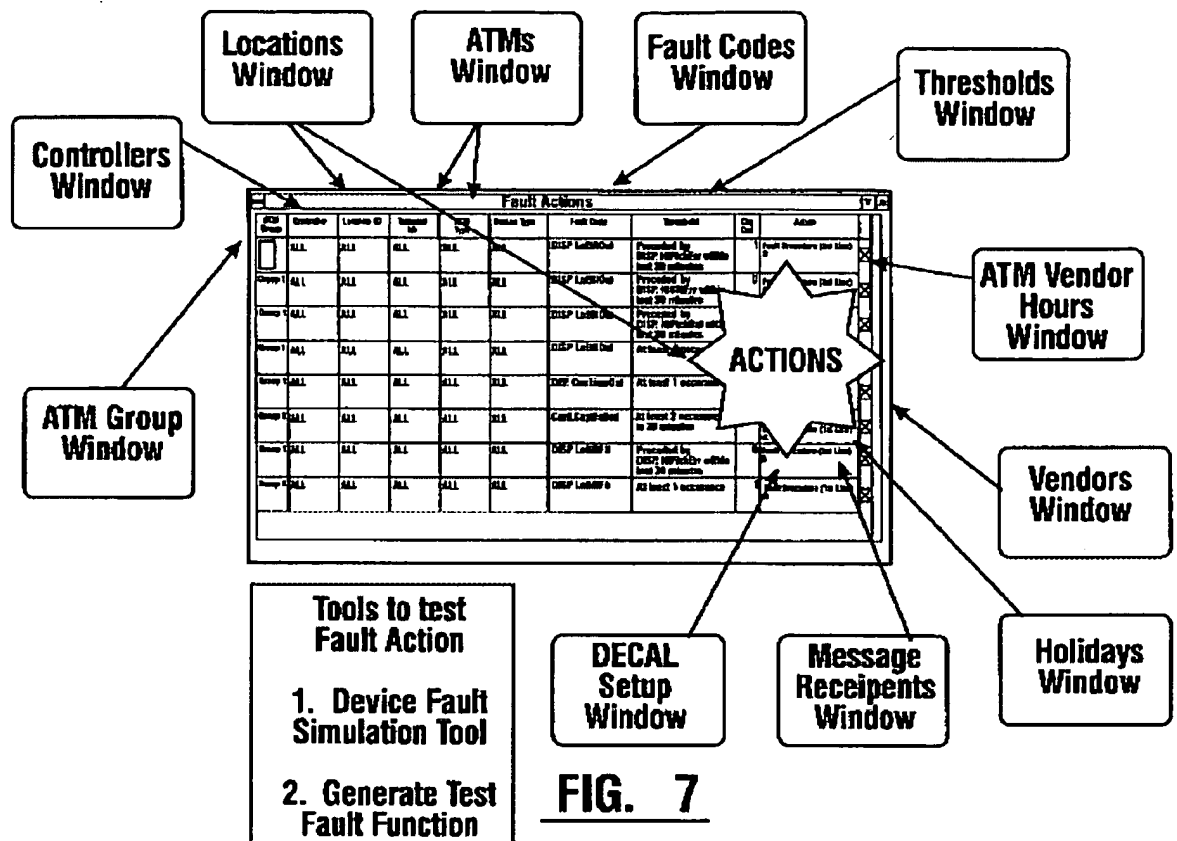


FIG. 8

Art Unit: 3623

Fault Actions									
ATM Group	Controller	Location ID	Terminal ID	ATM Type	Device Type	Fault Code	Thresholds	Chk Ord	Action
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilOut	Preceded by DISP:HiPickErr within last 30 minutes	1	Fault Procedure (1st Line) B
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilOut	Preceded by DISP:HiBilFit within last 30 minutes	1	Fault Procedure (1st Line) B
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilOut	Preceded by: DISP:HiBilOut within last 30 minutes	2	Fault Procedure (1st Line) B
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilOut	At least 1 occurrence	3	Fault Procedure (1st Line) A
Group 1	ALL	ALL	ALL	ALL	ALL	DEP:CusTimeOut	At least 1 occurrence	1	Fault Procedure (1st Line) A
Group 1	ALL	ALL	ALL	ALL	ALL	CARD:CapFailed	At least 2 occurrences in the last 30 minutes	1	Fault Procedure (1st Line) A
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilFit	Preceded by: DISP:HiPickErr within last 30 minutes	1	Fault Procedure (1st Line) B
Group 1	ALL	ALL	ALL	ALL	ALL	DISP:LoBilFit	At least 1 occurrence	1	Fault Procedure (1st Line) A

79/130

108

FIG. 29

Regarding Claim 2 Gill et al. teach that the management system further comprises a plurality of information related to consumer devices, consumer device groups, assignees of management (servicers, vendors, message recipients, contacts), actions, events, schedules and a plurality of other information associated with the operation of the customer service devices. More specifically Gill et al. teach that this information includes but is not limited to assignee of management (administrator, servicer, vendor) contact information, availability, (Column 4, Lines 1-55; Column 15, Lines 35-68; Column 16, Lines 1-60; Column 24, Lines 55-68; Figures 11-14, 16, 17 and 46-59; Figures 7 and 8 as shown above).

Regarding Claims 3 and 4 Gill et al. teach that the management system further comprises the step of creating (entering, inputting) and registering (making available to the system, associating) the action(s) corresponding to each condition for each customer device (action procedure connected to fault actions, action list, action procedure, action message, Device Status Processing Program; Column 11, Lines 50-68; Column 25, Lines 5-62; Figures 28, 29 and 31; Figures 1, 4 and 8 as shown above).

Regarding Claim 5 Gill et al. further teach that the management system further comprises the steps of (trouble tickets, responses, actions, action procedures; Column 12, Lines 33-44; Column 25, Lines 5-60; Column 37, Lines 16-60; Column 34, Lines 1-15; Column 36, Lines 53-68; Figures 26 and 31-32; Figures 4, 7 and 8 as shown above):

- selecting a customer service device corresponding to the supplied condition (status, fault, solicited message, unsolicited message, etc.) from among a plurality of customer service devices; and
- selecting (responding) the action corresponding to the supplied condition information among a plurality of actions registered for the customer service device.

Regarding Claim 6 Gill et al. teach that the management system further comprises the steps of (Column 12, Lines 33-44; Column 25, Lines 5-60; Column 37, Lines 16-60; Column 34, Lines 1-15; Column 36, Lines 53-68; Figures 26 and 31-32; Figure 4 as shown above):

Art Unit: 3623

- receiving and judging (reviewing, filter/identify/map, deciding, determining) a plurality of types of condition information (fault codes, fault category, fault condition, fault signals, fault message) in their entirety; and
- selecting the action corresponding to the judging (filter/identify/map) from among a plurality of actions registered (available) in the system.

Regarding Claim 7 Gill et al. further teach that the management system further comprises the steps of (Column 12, Lines 33-44; Column 31, Lines 1-60; Column 34, Lines 1-15; Column 36, Lines 53-68; Figures 18, 23, 25, 26 and 36):

- registering (storing, saving, logging, collecting) a plurality of information, historical and current, regarding the condition information (faults, messages, calls, trouble tickets, actions, etc.) for customer service devices; and
- selecting the action corresponding to the plurality of condition information, historical and current available (registered in the system).

Regarding Claim 8 Gill et al. teach that the management system further comprises the steps of (Abstract; Column 5, Lines 10-54; Column 9, Lines 60-68; Figures 19 and 24-26):

- instructing (requesting, requiring, contacting) a maintainer (servicer) of the plurality of customer service devices to perform a maintenance (service) operation according to the condition information; and

Art Unit: 3623

- receiving information about a results of the maintenance (service) operation from the maintainer (servicer).

Regarding Claim 9 Gill et al. teach that the management system enables a plurality of users (entities) to receive, send, enter, maintain and the like a plurality of information related to the operation of customer-service devices. More specifically Gill et al. teach that an administrator and a maintainer (servicer, vendor) supply information to the management system (Abstract; Column 29, Lines 45-68; Column 31, Lines 45-55).

Examiner's Note

7. Examiner has cited particular sections, pages, and paragraphs or figures in the references applied to the claims for the convenience of the applicant. Although the specific citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Horne et al., U.S. Patent No. 5,091,713, teach a customer service device management system wherein management information is collected and acted upon including information regarding acts of vandalism and other environmental conditions.

- Coutts, Michael G., U.S. Patent No. 5,563,393, teaches a customer service device management system wherein the health of the customer service device is monitored and managed.

- Koropitser et al., U.S. Patent No. 5,694,323, teach a customer service device management system.

Art Unit: 3623

- Enta, Masayuki, U.S. Patent No. 5,983,197, teach a customer service device management system wherein management information is monitored and acted upon.

- Kobayashi et al., U.S. Patent No. 6,0149,649, teach a customer service device support and management system.

- Herziger, Kathy Ann, U.S. Patent Publication No. 2002/0082994, teaches a customer service device management system wherein management information is monitored and provides the basis for auto dispatching servicers.

- Meurer, Thomas F., U.S. Patent Publication No. 2004/0215566, teaches a customer service management system.

- Sullivan, Deirdre, NCR, Gasper Corp. to Market ATM Management Software, teaches that the management of customer service devices is old and well known in the art.

- NCR and Gasper market self-service terminal management system, teaches a management system wherein condition information is collected and acted upon based on a pre-determined set of rules.

- NCR Corporation, The World's Largest Leader in Self Service Solutions, Acquires Gasper Corporation, The Leading Provider of ATM Management solutions, teaches a management systems and solutions that assist banks increase profitability through the use of automation to manage service networks.

- Gasper Corporation Introduces Gasper ATM Monitor, Entry-Level ATM Monitoring Solution, teaches the availability of a more affordable customer device management system.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
2/10/2005



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